

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*

Defendants

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-001-0007

**ORDER GRANTING DEFAULT JUDGMENT AS TO GONZALES FAMILY
PROPERTIES, LLC, SUBFILE NO. CHRO-001-0007**

THIS MATTER is before the Court upon the plaintiff, State of New Mexico, *ex rel.*, State Engineer's *Motion for Default Judgment* (Docket No. 11609, filed September 2, 2022). The State of New Mexico ("State") requests that the Court grant judgment against Defendant GONZALES FAMILY PROPERTIES, LLC, finding that the defendant has surface water irrigation rights in the Rio Chama Stream System: Section 1 Rio del Oso & Rio Vallecito in accordance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended. The Court, being fully advised, and with no responses opposing the State's motion having been filed, finds that the State's motion is well-taken and should be **GRANTED**.

The Court finds:

1. The Court has jurisdiction over the party and the subject matter herein.

2. Defendant GONZALES FAMILY PROPERTIES, LLC has been legally joined and served with process.
3. The Defendant GONZALES FAMILY PROPERTIES, LLC filed and served no answer.
4. Pursuant to the Court's *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System* filed June 28, 2016, (Doc. 11119) ("Procedural Order"), failure by a defendant to timely file and serve an answer is considered grounds for the entry of a default order. (Procedural Order, Sec. II., C., 2.)
5. Defendant GONZALES FAMILY PROPERTIES, LLC has failed to appear, answer, or otherwise defend in this cause, and is adjudged to be in default.

IT IS THEREFORE ORDERED that the right of the defendant

GONZALES FAMILY PROPERTIES, LLC
113 Coyote Ridge Trail
Santa Fe, NM 87507

to divert and use the public water of the Rio Chama Stream System, Section 1: Rio del Oso & Rio Vallecito is as follows:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No: NONE

Priority: 1807

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant 1.6 acres

Total 1.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:

CHRO-001-0007

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

B. POND(S) (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: 1807

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Juan Jose Lobato Land Grant	0.03 acres
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Total	0.03 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRO-001-0007

Pond Depth: 4.0 feet

Pond Volume: 0.07 acre-feet

C. NO RIGHT (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: NONE

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Juan Jose Lobato Land Grant

3.3 acres

Total 3.3 acres (No Right)

As shown on the attached revised Hydrographic Survey Map for Subfile No.:

CHRO-001-0007

Amount of Water (acre-feet per acre per year, not to exceed): NONE

Defendant has no surface water rights in the Rio Chama Stream System, Section 1: Rio del Oso & Rio Vallecito, other than those set forth in this order and those other orders entered by this Court in this cause.

These water rights are subject to objection by any other water right owner with standing in a later (*inter se*) phase of this adjudication suit when water right owners may object between themselves to individual adjudication orders. The rights are also subject to the entry of the final decree in this case.

IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs, and assigns are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Section 1: Rio del Oso & Rio Vallecito except in strict accordance with the rights adjudicated in this order or any other order of the Court.

IT IS ALSO ORDERED that the State of New Mexico, *ex rel.*, State Engineer's *Motion for Default Judgment*, Docket No. 11609, filed September 2, 2022, is **GRANTED**.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

